

**DURHAM, NORTH CAROLINA
MONDAY, OCTOBER 15, 2007
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Absent: None.

Also present: City Manager Patrick Baker, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

Mayor Bell presented Certificates of Appreciation to the following teams at Duke University: Joanne P. McCallie, Women's Basketball Head Coach and team; Beth Bozman, Field Hockey Head Coach and team; Dan Brooks, Women's Golf Head Coach and team; John Danowski, Men's Lacrosse Head Coach and team; Kerstin Kimel, Women's Lacrosse Head Coach and team; John Rennie, Men's Soccer Head Coach and team and Jolene Nagel, Volleyball Head Coach and team. Athletic Director Joe Alleva and President Richard Broadhead thanked Council for the recognizing Duke University and commended coaches and athletes for their hard working efforts.

The Mayor read proclamations declaring October 25, 2007 as Project Homeless Connect Day that was presented to Edy Thompson, Director of 10-Year Plan to End Homelessness, who made comments; October 14-21, 2007 as Navy Week presented to Rear Admiral Gary Jones who made comments; and October 2007 as Disability Awareness Month that was presented to Sarah Hogan, of the Parks & Recreation Department, who made comments.

City Council Members made comments on the following events attended and special recognition of individuals, organizations, etc:

Council Member Woodard: HBA of Durham and Orange Counties' -- Parade of Homes; Annual World Beer Festival; Casey Steinbacher, CEO of the Chamber of Commerce; Human Relations Director Yvonne Pena and staff - Hispanic Heritage Luncheon; Knowledge is Power Seminar on October 16; DDI Annual Meeting; Dedication of Ann Atwater Apartments; and Coalition of Unchained Dogs Benefit Concert.

Council Member Catotti thanked voters for their support during the Primary; Toyoma delegation, Mavis Mayer and Sister Cities - Sister Cities Pavilion at Duke University. She urged everyone to attend the following upcoming events: Campaign for Decent Housing's annual Town Hall Meeting on October 20, 2007 at Eastway Elementary from 12:00 - 3 p.m.; League of Women Voters Candidates' Forum on October 24, 2007 at the Main Library from 7:00 - 8:30 pm and Barack Obama will be at NCCU on November 1, 2007.

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Council Member Stith asked the City Manager to address murders that took place this weekend and the administration's plan in response to Governor Easley remarks concerning the drought.

City Manager Baker announced that he will provide an update on the water situation and murders during his priority item remarks.

Mayor Pro Tempore Cole-McFadden provided an update on Governor's Easley message that was delivered at the NCLM Annual Conference regarding the drought.

Council Member Clement: Duke reception: Reginald Johnson, City Manager staff and Tonette Amos; welcoming Casey Steinbacher, CEO of Chamber; Jordan High School Teacher Stuart Albright 2007 award recipient of the Milken Family Foundation Educator Award; Dr. George Wilson on NCCU received the [Inaugural University of North Carolina Board of Governors 2007 Award for Excellence in Public Service](#); Human Relations Director Yvonne Pena will be honored in Raleigh with an Human Relations Award; DDI and staff; District Attorney's Office, Police Department, and City Attorney's Office concerning the conviction of Anita Bennett regarding the small business loan situation.

Council Member Brown made comments on the passing of former Mayor Harry E. Rodenhizer, Jr.

Mayor Pro Tempore Cole-McFadden urged her colleagues to come up with personal things to share with the community regarding conserving water and suggestions on how to keep our children out of trouble at the October 18, 2007 Work Session.

Mayor Bell thanked all Council Members for attending various events, noted he attended a lot of the events already mentioned, reported on the NCLM Conference in Fayetteville and thanked Mayor Pro Tempore Cole-McFadden for her report from the Governor concerning the water situation. He provided additional information on the Campaign for Decent Housing Meeting scheduled for October 20, 2007 and recognized the EO/EA Director Deborah Giles and her staff for receiving the Minority Business Advocate of the Year Award that was presented on October 4.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Baker gave a report on the water situation. He made comments on the drought status stating the City would be implementing immediately the elimination of outdoor watering by automatic/non-automatic irrigation systems and hoses/sprinklers which will go into effect immediately. He briefed Council on the increase in usage of 5 million gallons on this past Saturday, extensive educational campaign to include another use of the code red system that will allow the administration to record a message that is sent out to water users, the administration will take out advertisements in the local papers, utilize the website and other means to advise the public of the specifics of this change. He noted this is not a move to Stage IV, but taking some aspects of Stage IV to see a continued decrease in water consumption. He reported since mandatory conservation measures were enacted on September 21st, there has been a 16% decrease in demand and these measures will get us closer to the 30% target. He briefed Council on the violations [237 violations, 128 written warning notices issued and 4 notices of violations--

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a second written notice]; current lake levels of Lake Michie and Little River; water supply at the Cary water system and Jordan Lake; number of water supply days left and water that is in the reservoir that the City can tap into extending water supply. He stated this information will be placed in a press release that will go out tonight.

Council Member Stith asked staff what is being left out of Stage IV and what are other cities doing across the state.

City Manager Baker made comments on what Raleigh is doing and discussed sections of the ordinance pertaining to Stage 4.

Council Member Stith asked the City Manager to provide the following information at the October 18, 2007 Work Session: a listing of other big ticket items that could reduce consumption; address if eliminating outdoor watering would make up the difference in the target rate of 30%, and what are other cities doing that would make an impact on the reduction.

Council Member Brown asked staff to provide an update on the Nello Teer Quarry and its impact on the water situation.

City Manager Baker reported there is an issue regarding a requirement for a discharge out of Lake Michie that the City currently does not have.

Interim Water Management Director Vickie Westbrook reported on the water that is available in the Quarry once the City receives permission from the State

Council Member Brown requested a report on the requirement at the October 18, 2007 Work Session. He asked staff will there be exceptions to allow watering of the new trees recently planted in downtown Durham as well as individuals that have planted trees in the last couple of months.

City Manager Baker discussed the exception in Stage 4, after the lawn watering is eliminated, to allow for watering by hand-held containers and drip irrigation on Saturday between 5 am and 8 am or 5 pm and 8 pm. He reported this information will be spelled out in the press release and education materials.

Council Member Brown asked staff should we purchase water from Cary while they have some.

City Manager Baker reported the City is pulling over \$2 million gallons from Jordan Lake which is through the Cary water system.

Council Member Brown asked staff to address the water purchase from other municipalities on Thursday.

Council Member Catotti outlined a number of items that needed to be clarified for the public-- how to measure water, hand-held hose, etc. Also, she requested staff to provide the status of rain

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barrels and treated water at the Work Session on Thursday.

Mayor Bell asked staff to provide what other municipalities are doing in terms of monetary penalties for violation of the ordinance.

City Manager Baker reported that staff is reviewing implementing a fee once the water is turned off.

Mayor Bell asked staff to provide information on how large water users are adhering to the ordinance.

Mayor Pro Tempore Cole-McFadden asked staff to provide ideas on changing water conservation behaviors at the Work Session on Thursday.

Council held discussion on reporting of violations, work place violations and repairing plumbing facilities in the work place.

Interim Water Management Director Vickie Westbrook briefed Council on the water use license application--which allows businesses to water outside of designated time.

Council held discussion on enforcement by staff, publicizing the seriousness of this drought situation as part of the water bill statement and next steps.

Council Member Brown asked the administration to provide a report outlining the approach of six major cities in the state on what they are doing in terms of penalties and who is deputized to enforce them.

City Manager Baker gave an update on the following and noted additional information will be provided on Thursday: 1) an assault that occurred back in April 2007 and the individual expired this weekend, but an arrest has already been made in that case--charges raised to murder and looking for another individual involved; 2) the murder at Northgate Mall on Saturday--the alleged assailant has turned himself in; and 3) the shooting on Elm and Walker Street this morning where there is no suspect.

There were no priority items from the City Attorney and City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. No items were pulled from the Consent Agenda.

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to approve the Consent Agenda was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

[CONSENT AGENDA]

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SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden To approve City Council minutes for the following City Council meetings: August 23, 2007 - Special Meeting and September 17, 2007 - Regular Meeting; and

To approve City Council action taken at the September 6, 2007 City Council Work Session was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: PIGGYBACK PURCHASE – CONSTRUCTION EQUIPMENT - GREGORY POOLE EQUIPMENT COMPANY

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into a contract with Gregory Poole Equipment Company, in the amount of \$761,240.00 for providing the City with four (4) excavators and one (1) wheel loader; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH NEWHOPE CHURCH, INC. - NEWHOPE CHURCH

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into a water and sewer extension agreement with Newhope Church, Inc. to serve Newhope Church was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: WATER EXTENSION AGREEMENT WITH T.W. ALEXANDER PROPERTIES, LLC. - T.W. ALEXANDER PROPERTIES

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into a water extension agreement with T.W. Alexander Properties, LLC to serve T.W. Alexander Properties was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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SUBJECT: WATER EXTENSION AGREEMENT WITH TMC ASSOCIATES, LLC. - FINSBURY PHASE II

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into a water extension agreement with TMC Associates, LLC to serve Finsbury Phase II was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH NORTHEASTERN PARTNERS, LLC - NORTHEAST CREEK

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into a water and sewer extension agreement with Northeastern Partners, LLC to serve Northeast Creek was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: PERMANENT LOAN USING 1996 HOUSING BOND PROGRAM INCOME FOR STEWART CIRCLE LLC FOR REHABILITATION OF 20 LOW-INCOME TAX CREDIT UNITS AT STEWART HEIGHTS (FORMERLY MUTUAL HEIGHTS)

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal year 2007-2008, the same being Ordinance #13428 for the purpose of decreasing the appropriation for the First Time Homebuyer Programs by \$160,000.00 and adding an appropriation for Stewart Circle for \$160,000.00;

To determine and find that mortgage loans for this housing project are not otherwise available, wholly or in part, from public or private lenders, upon equivalent or reasonably equivalent terms and conditions;

To authorize the City Manager to execute a Loan Agreement and associated legal documents with Stewart Circle LLC in an amount of \$160,000.00 to provide permanent second mortgage financing at an interest rate of 2% with a term of 20 years;

To authorize the expenditure of \$160,000.00 in 1996 Housing Bond program income; and

To authorize the City Manager to modify the agreement and other related documents before execution, provided that the modifications do not increase the dollar amount of the agreement and do not lessen the obligations of the contractor was approved at 8:33 p.m. by the following

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vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Ordinance #13494

**SUBJECT: JOINT USE FACILITY AGREEMENT FOR FIRE BURNING
EXERCISES WITH DURHAM TECHNICAL COMMUNITY COLLEGE**

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into an agreement with Durham Technical Community College for the joint use of the fire training facilities and grounds; and

To authorize the City Manager to modify the agreement and other related documents before execution, provided that the modifications do not increase the dollar amount of the agreement and do not lessen the obligations of the contractor was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: DONATION OF SELF-CONTAINED BREATHING APPARATUS (SCBA)
TO DURHAM TECHNICAL COMMUNITY COLLEGE**

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into a contract with Durham Technical Community College to donate twenty (20) Self-Contained Breathing Apparatus (SCBA); and

To authorize the City Manager to modify the agreement and other related documents before execution, provided that the modifications do not increase the dollar amount of the agreement and do not lessen the obligations of the contractor was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: 2006 FIRE ACT GRANT - U.S. DEPARTMENT OF HOMELAND
SECURITY**

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to accept the U.S. Department of Homeland Security Assistance to Firefighters Grant for the purchase of fire-rescue equipment by executing the grant documents; and

To adopt the U.S. Department of Homeland Security Assistance to Firefighters Grant Project Ordinance in the amount of \$32,900.00 was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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Ordinance #13495

SUBJECT: LYON PARK MANAGEMENT EXTENSION AGREEMENT – CALVARY MINISTRIES OF THE WESTEND, INC.

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute an amendment to the management agreement for the Community Family Life & Recreation Center at Lyon Park with Calvary Ministries of the Westend, Inc. to extend the term to April 15, 2008; and

To authorize the City Manager to modify the agreement and other related documents before execution, provided that the modifications do not increase the dollar amount of the agreement and do not lessen the obligations of the contractor was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: CONTRACT FOR REIMBURSEMENT OF COSTS INCURRED FOR LAW ENFORCEMENT ASSISTANCE AND ACCOMPANYING GRANT PROJECT ORDINANCE - TOWN OF CHAPEL HILL

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to accept the Town of Chapel Hill Law Enforcement Assistance During Halloween 2007 Grant by executing the grant documents;

To adopt the Town of Chapel Hill Law Enforcement Assistance During Halloween 2007 Grant Project Ordinance; and

To authorize the City Manager to execute the Contract for Reimbursement of Costs Incurred for Law Enforcement Assistance between the City of Durham and the Town of Chapel Hill was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: MUNICIPAL AGREEMENT FOR NCDOT PROJECT EB-4707 OLD DURHAM-CHAPEL HILL ROAD - TOWN OF CHAPEL HILL

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to adopt a resolution authorizing the City Manager to execute a municipal agreement with the N. C. Department of Transportation and the Town of Chapel Hill for Project EB-4707, Old Durham-Chapel Hill Road was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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Resolution #9501

SUBJECT: CONTRACT FOR ENGINEERING SERVICES WITH HAZEN AND SAWYER FOR ULTRAVIOLET LIGHT FACILITY UPGRADE AT NORTH DURHAM WATER RECLAMATION FACILITY

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute a contract with Hazen and Sawyer for engineering services for the Ultraviolet Light Facility Upgrade at North Durham Water Reclamation Facility in the total amount not to exceed \$545,590.00;

To establish a project contingency fund amount of \$27,280.00;

To authorize the City Manager to negotiate change orders for the contract provided that the cost of all change orders does not exceed \$27,280.00 and the total project cost does not exceed \$572,870.00; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

The City Council disposed of the following agenda items at the October 4, 2007 Work Session:

11. Capital Project Ordinance Amendment to Reallocate Funding from the Armory Project to the Arts Council Project and Amend Contract Amendment 2-C Arts Council Upgrade between the City of Durham and Skanska Building USA

To adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal year 2007-2008, the same being Ordinance #13428 for the purpose of decreasing the appropriation for the Armory Upgrade and increasing the total appropriation for the Durham Arts Council by \$715,247.00; and

To approve a change order to the contract for construction services between the City and Skanska Building USA to include Alternates 2,3,5,6,8 and 10, and increase the total value of the contract from \$1,329,592.00 to \$2,177,918.00; and

To increase the project contingency from \$80,388.00 to \$130,675.00; and

To authorize the City Manager to approve changes to this contract so long as the total amount of the contract does not exceed \$2,308,593.00.

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Note: This item was approved at the 10-04-07 Work Session with a vote of 4/2. Ordinance #13490

12. Proposed Sale of Surplus Properties at 218 N. Dillard St., 410-426 N. Roxboro St., and 308 Elliott St., City Tract # 1620 and 1621

To authorize the sale of 218 N. Dillard Street (Parcel 110532); 426 N. Roxboro Street (Parcel 110544); 422 N. Roxboro Street (Parcel 110545); 420 N. Roxboro Street (Parcel 110546); 418 N. Roxboro Street (Parcel 110547); 416 N. Roxboro Street (Parcel 110548); 414 N. Roxboro Street (Parcel 110549); 412 N. Roxboro Street (Parcel 110550); 410 N. Roxboro Street (Parcel 110551); and 308 Elliott Street (Parcel 110543) through the upset bid procedure, North Carolina G.S. 160A – 269;

To propose to accept the offer of \$61,500.00 from Susana L. Dancy & J. Scott Harmon to purchase 218 N. Dillard Street and advertise for upset bids;

To propose to accept the offer of \$97,500.00 from Susana L. Dancy & J. Scott Harmon to purchase the property at 426 N. Roxboro Street (Parcel 110544); 422 N. Roxboro Street (Parcel 110545); 420 N. Roxboro Street (Parcel 110546); 418 N. Roxboro Street (Parcel 110547); 416 N. Roxboro Street (Parcel 110548); 414 N. Roxboro Street (Parcel 110549); 412 N. Roxboro Street (Parcel 110550); 410 N. Roxboro Street (Parcel 110551); and 308 Elliott Street (Parcel 110543) and advertise for upset bids; and

Once no further qualifying upset bids are received, to bring the matter back to council for a decision on whether to accept the offers and sell the properties.

Note: This item was approved at the 10-04-07 Work Session with a vote of 7/0.

17. Financial Update

To receive a report on the Fourth Quarter (FY 06-07) Financial Status and preliminary information on the FY 08-09 Budget.

Note: A presentation was received at the 10-04-07 Work Session.

18. Street Lights

To receive an update on street light installations.

Note: This item was referred back to the Administration – Public Works.

22. Abernathy Place Townhomes

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To receive a report from the Administration regarding the regulations for roll-out cart service at Abernathy Place Townhomes.

Note: A report was received at the 10-04-07 Work Session.

23. Durham Substance Abuse Sub-Committee

To receive comments from Wanda Boone regarding underage drug and alcohol use.

Note: Comments were received at the 10-04-07 Work Session.

24. Arcenia Wiggins-Owens

To receive comments from Arcenia Wiggins-Owens regarding civil penalties on her property.

Note: Citizen did not appear at the 10-04-07 Work Session.

25. James B. Gerepka

To receive comments from James B. Gerepka regarding Ordinance Enforcement.

Note: Comments were received at the 10-04-07 Work Session.

26. Thai Ton

To receive comments from Thai Ton regarding the Human Rights Torch Relay.

Note: *This item was deferred to the October 18, 2007 Work Session.*

27. Quasi-judicial public hearing for Reclamation Station Recycling Center (M07-01)

To schedule a special session to conduct the public hearing on November 28, 2007.

Note: *This item was approved at the 10-04-07 Work Session with a vote 7/0.*

[GENERAL BUSINESS AGENDA]

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SUBJECT: ORDERING PETITIONED IMPROVEMENT - WATER MAIN ON VALLEY SPRINGS ROAD FROM ROSE OF SHARON ROAD TO RIVERMONT ROAD

Engineering and Stormwater Manager Lee Murphy made comments on this item.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Woodard to receive public comments; and

To adopt a resolution ordering Water Main on Valley Springs Road from Rose of Sharon Road to Rivermont Road and Rivermont Road from Valley Springs Road West to the West Property Line of PIN 0813-01-19-7523 was approved at 8:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: FIRST AMENDMENT TO AMERICAN TOBACCO DEVELOPMENT AGREEMENT - AMERICAN CAMPUS LLC - CAPITOL BROADCASTING COMPANY, INC.

Mayor Bell opened the public hearing.

Relative to 10% of the contract going to SDBEs, Victoria Peterson asked staff for the exact dollar amount, minority companies selected and how many of the minorities were women and African Americans. She expressed concern that there was no workforce development component for laborers associated with this contract to hire local citizens.

It was indicated that the administration will provide information requested by Ms. Peterson at the October 18, 2007 Work Session.

Mayor Bell closed the public hearing.

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to conduct a public hearing to receive comments per GS 158-7.1;

To authorize the City Manager to execute the First Amendment to Development Agreement for American Tobacco; and

To authorize the City Manager to modify the contract provided that the modifications do not increase the dollar amount and the modifications are consistent with the general intent of the contract was approved at 8:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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SUBJECT: TERMINATION OF THE GOLDEN BELT REDEVELOPMENT PLAN

Steve Medlin, of the City-County Planning Department, noted staff certifies that proper notification has been carried out in accordance with the applicable standards of the Unified Development Ordinance and state statutes and that affidavit to this effect has been prepared and made part of the case file. He noted this request is from the Durham Housing Authority and Edgemont Realty, LLC requesting that the City Council terminate the Golden Belt redevelopment Plan. Mr. Medlin reported in July 2002 the City Council approved a redevelopment plan in connection with the development of a 7.55 acre commercial site located at 900 East Main Street and 400 N. Elm Street. He further reported the focus of the redevelopment plan was a community development effort to restore the buildings and grounds of the Golden Belt complex in order to promote employment opportunities for the surrounding community through the establishment of an employment-training center, but the project never materialized. Also, he referenced that in November 2006, the property was transferred to the current owner, Edgemont Realty, LLC, after the Durham Housing Authority made the determination that they were not going to implement the redevelopment plan. He stated the Durham Housing Authority adopted a resolution to terminate the plan on May 23, 2007; the Planning Commission held a public hearing on September 11 recommending approval of the termination and staff is recommending approval of resolution for termination of the Golden Belt Redevelopment Plan.

Mayor Bell opened the public hearing.

Victoria Peterson addressed the Council asking that part of the property be utilized for a vocational training center to work with young men and women.

Council Member Brown gave an overview of the programs being offered by the Durham Public Schools in the field of vocational and technical training.

Victoria Peterson noted she was speaking about adults and not teenagers.

Mayor Bell provided background information on this item, spoke in support of this request and recommended that Victoria Peterson contact the owner of the building concerning her request.

Mayor Bell closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Woodard to conduct a public hearing to receive public comments on termination of the Golden Belt Redevelopment Plan; and

To adopt a Resolution Authorizing the Termination of the Golden Belt Redevelopment Plan was approved at 8:48 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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Resolution #9502

There being no further business to come before the City Council, the meeting was adjourned at 8:49 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk